

AMENDMENT OFFERED BY MR. STUPAK
TO THE AMENDMENT IN THE NATURE OF A
SUBSTITUTE TO H.R. 3266

At the end of the bill, add the following:

1 SEC. 11. PUBLIC SAFETY TRUST FUND.

2 Part A of the National Telecommunications and In-
3 formation Administration Organization Act (47 U.S.C.
4 901 et seq.) is amended by adding at the end the following
5 new section:

6 “SEC. 106. PUBLIC SAFETY TRUST FUND.

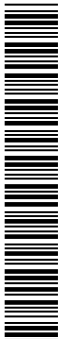
7 “(a) ESTABLISHMENT.—

8 “(1) FUND ESTABLISHED.—There is hereby es-
9 tablished in the Treasury of the United States the
10 Public Safety Communications Trust Fund.

11 “(2) DEPOSITS.—The Fund shall consist of—

12 “(A) the amounts appropriated pursuant
13 to subsection (f); and

14 “(B) 50 percent of the proceeds of any
15 auction conducted pursuant to section 309(j) of
16 the Communications Act of 1934 for any bands
17 of frequencies other than those described in
18 paragraph (3), except that such percentage may
19 be reduced in accordance with paragraph (4).



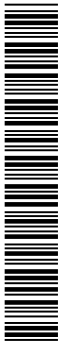
1 “(3) EXCEPTED FREQUENCIES.—The bands of
2 frequencies described in this paragraph are the fol-
3 lowing:

4 “(A) the 216–220 megahertz band, the
5 1432–1435 megahertz band, the 1710–1755
6 megahertz band, and the 2385–2390 megahertz
7 band of frequencies; and

8 “(B) any other band of frequencies reallo-
9 cated from Federal use to non-Federal use after
10 January 1, 2003, that is assigned by competi-
11 tive bidding pursuant to section 309(j) of the
12 Communications Act of 1934 (47 U.S.C.
13 309(j)), except for bands of frequencies pre-
14 viously identified by the National Telecommuni-
15 cations and Information Administration in the
16 Spectrum Reallocation Final Report, NTIA
17 Special Publication 95–32 (1995).

18 “(4) REDUCTION OF PERCENTAGE.—If the
19 board of directors submits to the Congress a state-
20 ment that—

21 “(A) projects that the future needs for
22 grants under subsection (c) has been reduced to
23 the extent that the percentage specified in para-
24 graph (2) is likely to yield a surplus in the fund



1 beyond the amounts needed to meet such needs,
2 and

3 “(B) specifies a lower percentage that the
4 board estimates to be sufficient to meet such
5 needs (without yielding a surplus), paragraph
6 (2) shall be applied to any auction subject to
7 such paragraph that is conducted after the date
8 of submission of such statement by substituting
9 such lower percentage for 50 percent.

10 “(5) FUND AVAILABILITY.—

11 “(A) APPROPRIATION.—There are hereby
12 appropriated from the Fund such sums as are
13 authorized by the board to be disbursed for
14 grants under this section.

15 “(B) REVERSION OF UNUSED FUNDS.—
16 Any grant proceeds that remain unexpended at
17 the end of the grant period as determined
18 under subsection (c)(3) shall revert to and be
19 deposited in the Fund.

20 “(b) BOARD OF DIRECTORS.—

21 “(1) ESTABLISHMENT.—The Fund shall be ad-
22 ministered by the Administrator of the NTIA, in
23 consultation with a board of directors comprised of
24 5 members, appointed by the Secretary, with experi-
25 ence in one or more of the following fields: grant



1 and investment management; communications equip-
2 ment and software applications; and public safety
3 and emergency response. The board shall consult
4 with, or include a member or members from, the De-
5 partment of Homeland Security.

6 “(2) FUNCTIONS.—The board shall—

7 “(A) establish the reasonable and prudent
8 criteria for the selection of the grant recipients
9 under this section;

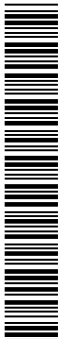
10 “(B) determine the amount of the grants
11 awarded; and

12 “(C) review the use of funds made by such
13 grant recipients.

14 “(3) COMPENSATION PROHIBITED; EXPENSES
15 PROVIDED.—The members of the board shall serve
16 without compensation, but may, from appropriated
17 funds available for the administrative expenses of
18 the NTIA, receive travel expenses, including per
19 diem in lieu of subsistence, in accordance with appli-
20 cable provisions under subchapter I of chapter 57 of
21 title 5, United States Code.

22 “(c) PURPOSE AND ACTIVITIES OF THE TRUST.—

23 “(1) GRANT PURPOSES.—In order to achieve
24 the objectives and carry out the purposes of this
25 part, the Administrator is authorized to make



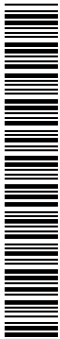
1 grants, from amounts deposited pursuant to sub-
2 section (a)(2) and from the interest or other income
3 on the Fund, to implement interoperability and mod-
4 ernization (including equipment upgrades) for the
5 communications needs of public safety, fire, emer-
6 gency, law enforcement, and crisis management by
7 State and local government agencies and instrumen-
8 talities and nonprofit organizations.

9 “(2) GRANT PREFERENCE FOR BROADER SCOPE
10 OF INTEROPERABILITY.—In making grants from the
11 Fund, the Administrator shall give preference to eli-
12 gible entities that are proposing inter-agency or re-
13 gional and multi-jurisdictional interoperability.

14 “(3) GRANT AVAILABILITY.—Grants from the
15 Fund shall be made available on a single or multi-
16 year basis to facilitate long term planning and train-
17 ing.

18 “(d) ELIGIBLE ENTITIES.—The following organiza-
19 tions and entities are eligible to apply for funds under this
20 section:

21 “(1) an agency or instrumentality of a State or
22 local government of the United States (including an
23 agency or instrumentality of a territory or posses-
24 sion of the United States); and



1 “(2) a nonprofit agency or organization that is
2 exempt from taxes under section 501(c)(3) of the In-
3 ternal Revenue Code of 1986 and that performs a
4 public safety function, as determined by the Admin-
5 istrator.

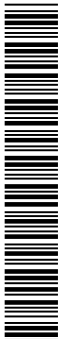
6 “(e) PERMISSIBLE USES OF FUNDS.—Amounts
7 made available by grant from the fund may be used by
8 eligible entities for equipment, training, planning, and re-
9 search for the purposes of upgrading communications and
10 the interoperability of communications used in public safe-
11 ty, fire, emergency, law enforcement, and crisis manage-
12 ment.

13 “(f) AUTHORIZATION OF APPROPRIATIONS.—There
14 are authorized to be appropriated to the Fund
15 \$500,000,000 for fiscal year 2004 and each of the 2 suc-
16 ceeding fiscal years.

17 “(g) REPORTS.—

18 “(1) BY GRANT RECIPIENTS.—Each grant re-
19 cipient shall submit to the Administrator and the
20 board a report on the use of the funds provided by
21 the grant, and on the progress made with respect to
22 the improvement of the grant recipient’s communica-
23 tions capabilities.

24 “(2) BY ADMINISTRATOR.—The Administrator
25 shall annually submit to the Congress a report on



1 the operations of the Fund and the grants made by
2 the Funds. Such report shall include—

3 “(A) an identification of the grants made,
4 the recipients thereof, and the planned uses of
5 the amounts made available;

6 “(B) a financial report on the operations
7 and condition of the Fund; and

8 “(C) a description of the results of the use
9 of funds provided by grants under this section,
10 including the status of interoperability imple-
11 mentation by the grant recipients.

12 “(h) REGULATIONS.—The Administrator may pre-
13 scribe such regulations as may be necessary and appro-
14 priate to carry out this section.

15 “(i) DEFINITIONS.—As used in this section—

16 “(1) the term ‘the Fund’ means the Public
17 Safety Communications Trust Fund established pur-
18 suant to subsection (a); and

19 “(2) the term ‘the board’ means the board of
20 directors established pursuant to subsection (b).”.

